



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0808

Introduced 02/02/05, by Rep. Patricia R. Bellock - Eileen Lyons

SYNOPSIS AS INTRODUCED:

740 ILCS 110/9.2

Amends the Mental Health and Developmental Disabilities Confidentiality Act. Adds prisons operated by the Department of Corrections and mental health facilities operated by a county to the list of entities that may disclose a recipient's record or communications, without consent, to another entity on the list for the purpose of admission, treatment, planning, or discharge. Provides that no records or communications may be disclosed to a State prison unless the Department has entered into a written agreement with the State prison to ensure that the records and communications disclosed are disclosed only to the proper persons. Effective immediately.

LRB094 03614 LCB 33619 b

1 AN ACT concerning civil liability.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Mental Health and Developmental
5 Disabilities Confidentiality Act is amended by changing
6 Section 9.2 as follows:

7 (740 ILCS 110/9.2)

8 Sec. 9.2. Interagency disclosure of recipient information.

9 For the purposes of continuity of care, the Department of Human
10 Services (as successor to the Department of Mental Health and
11 Developmental Disabilities), community agencies funded by the
12 Department of Human Services in that capacity, prisons operated
13 by the Department of Corrections, mental health facilities
14 operated by a county, and jails operated by any county of this
15 State may disclose a recipient's record or communications,
16 without consent, to each other, but only for the purpose of
17 admission, treatment, planning, or discharge. Entities shall
18 not redisclose any personally identifiable information, unless
19 necessary for admission, treatment, planning, or discharge of
20 the identified recipient to another setting. No records or
21 communications may be disclosed to a county jail or State
22 prison pursuant to this Section unless the Department has
23 entered into a written agreement with the county jail or State
24 prison requiring that the county jail or State prison adopt
25 written policies and procedures designed to ensure that the
26 records and communications are disclosed only to those persons
27 employed by or under contract to the county jail or State
28 prison who are involved in the provision of mental health
29 services to inmates and that the records and communications are
30 protected from further disclosure.

31 (Source: P.A. 91-536, eff. 1-1-00.)

32 Section 99. Effective date. This Act takes effect upon

1 becoming law.